



DT20 Rec'd PCT/US 21 MAY 2003 \$ Pet

DOCKET NO. CDS 219

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert T. Belly, et al.

Serial No.: 10/019,514

Group No.:

I.A. No.: PCT/US00/11651

Examiner:

I.A. Filing: May 4, 2000

For: RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE
WITHOUT USING CELL LYSING REAGENT

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, Washington, D.C. 20231 on

May 19, 2003

(Date of Deposit)

Catherine Kurtz Gowen

Name of applicant, assignee, or Registered Representative



(Signature)

May 19, 2003

(Date of Signature)

Box DAC
Commissioner for Patents
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

This Petition is submitted in response to a Decision Regarding Petition to Revive Under 37 CFR 1.137(a), which decision was mailed 17 March 2003 and for which a two-month deadline for response was set, bringing the date of such deadline to 17 May 2003. Since 17 May 2003 falls on a Saturday, under 37 CFR 1.7 the action may be taken on the next succeeding business day which is not a Saturday, Sunday or a Federal holiday, which is Monday, 19 May 2003, and still be considered a timely response.

1. Applicant petitions for the revival of the above-identified application, abandoned unintentionally.

On 21 January 2003 Applicants filed a "Petition for Revival of an Application Abandoned Unavoidably Under 37 CFR 1.137(a)", with accompanying materials. On 17 March 2003, Applicants received a Decision Regarding Petition to Revive Under 37 CFR 1.137(a), which stated that Applicants' Petition would be Dismissed without prejudice and the application remain abandoned with respect to the United States. In the Discussion section of the Decision, the PCT Petitions Attorney, Richard M. Ross, indicates that the showing put forth by Applicants was "insufficient to satisfy the stringent standards applied to "unavoidable abandonments". In the Conclusion, Mr. Ross suggests that in the alternative to a renewed petition, Applicants consider filing a petition to revive an application abandoned unintentionally under 37 CFR

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1.137(b), as such a petition would be more appropriate under the factual situation described here. Applicants have thus taken this advice and now submit a timely Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b), with supporting materials (photocopied from copies retained following the original Petition submitted 21 January 2003, enclosing original materials).

2. Nature of abandonment: (check appropriate box and complete)

- ☐ In an office communication from the PTO dated , the undersigned has noted that the above-identified application is being forwarded to the Abandoned Files because applicant's response to the Official Action mailed has not been received within the statutory period or any extension requested therefor.
- ☒ The undersigned has reviewed his records and noted that the response to the Official Action mailed April 10, 2002 was not timely filed within the statutory period or any extension requested therefor.

3. Response filed:

The proposed response to the Official Action mailed

- ☒ has been filed on 21 January 2003
- ☐ is enclosed herewith.

4. A statement as required is filed herewith.

5. It will be seen from the attached showings that the processing procedures have been carefully reviewed and that steps have been taken to avoid repetition of the events which took place in this case so that a similar error will not be made in the future.

6. Terminal disclaimer:

(☐ application filed before June 8, 1995
or ☐ design application)

Abandonment took place on the following date November 11, 2002 and:

- ☐ Since this petition is within six months of that date, no terminal disclaimer is required.
- ☐ A terminal disclaimer equivalent to the period of abandonment of the application until the date of this petition is attached.

7. Status of applicant:

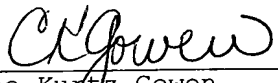
This application is on behalf of

- ☐ small business entity--fee \$55.00
- ☐ verified statement already filed on
☐ verified statement attached.
- ☒ other than a small business entity--fee \$110.00

NOTE: The fee is set in 37 CFR 1.17(m).

8. Fee payment:

- ☒ Charge the petition fee of \$1,280.00 to Account 10-0750/CDS-219/CKG and for any additional fee required. A duplicate of this petition is attached.
- ☐ A check in the sum of \$_____ is attached.
- ☒ Charge Account 10-0750/CDS-219/CKG for any additional fee required.


Catherine Kurtz Gowen
Reg. No.: 32,148
Attorney for Applicant(s)

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: (732) 524-2681
Date: May 19, 2003